

ATTACHMENT 3

Newmax, LLC d/b/a Interrmax Networks



Federal Communications Commission
Washington, D.C. 20554

April 7, 2022

Mr. Michael R. Kennedy
Newmax, LLC dba Intermax Networks
7400 Mineral Drive, Suite 300
Coeur d Alene, ID 83815
mikennedy@intermaxteam.com

Dear Mr. Kennedy:

As a recipient of Connect America Fund Phase II (CAF II) Auction support, Newmax, LLC dba Intermax Networks is required to deploy broadband service to at least 40% of the total required locations for which you receive auction funding by December 31, 2022.¹

For your filing due by March 1, 2022, reflecting broadband location deployment as of December 31, 2021, you certified in the USAC High Cost Universal Broadband (HUBB) portal to deploying to zero locations in the following SAC, 529027 (WA), for which you have been authorized to receive CAF II Auction funding. We note that support recipients are not required to wait until the end of a specific support year to meet their deployment milestones, recipients may request that USAC complete their verification process at any time, and that we encourage reporting of deployment data on an ongoing basis.²

Accordingly, we are concerned about your ability to meet the first required milestone in light of the remaining time this year for reaching compliance. As part of monitoring compliance with the program's obligations, we require that you explain how you will meet your initial deployment commitment.³ Specifically, please provide us with a description of the areas and the number of locations you have deployed to in the SAC since December 31, 2021, and explain the efforts you will take between now and December 31, 2022 to reach the 40% milestone applicable to your authorized areas.

You are directed to file your response within 30 calendar days of the date of the letter in WC Docket No. 10-90 and AU Docket 17-182 through the Commission's Electronic Comment Filing System (ECFS).⁴ Commission staff will review your response to determine if additional information requests, verification, and/or an audit is appropriate. Finally, we remind you that failing to satisfy high-cost program deployment obligations will result in withholding and/or recovery of support.⁵

¹ 47 CFR § 54.310(c); *see Connect America Fund, Connect America Fund Phase II Auction*, WC Docket Nos. 10-90, 17-187, Order, 35 FCC Rcd 109, 109, para. 1 (WCB 2020).

² *See Connect America Fund et al.*, WC Docket No. 10-90 et al. Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 5949, 6011 (2016), para. 173 n.156 ("[I]t would be a 'best practice' to submit location information no later than 30 days after service is initially offered to locations in satisfaction of deployment obligations."); *see also Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 712, para. 56 n.156 (encouraging filing deployment data on a rolling basis).

³ *See* 47 CFR § 54.320.

⁴ If your response will include business confidential information, contact staff in advance regarding the process for submitting this information.

⁵ *See* 47 CFR § 54.320(d).

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DRAFT

Please contact Jesse Jachman (jesse.jachman@fcc.gov) Assistant Division Chief,
Telecommunications Access Policy Division, Wireline Competition Bureau, with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Trent B. Harkrader". The signature is fluid and cursive, with a long horizontal stroke at the beginning and a distinct "H" and "R" in the middle.

Trent B. Harkrader
Chief
Wireline Competition Bureau



May 3, 2022

Federal Communications Commission
Wireline Competition Bureau
45 L Street, NE
Washington, DC 20554
Attn: Trent B. Harkrader, Chief

Re: WC Docket No. 10-90 and AU Docket 17-182

Dear Mr. Harkrader,

This letter is submitted in response to your letter dated April 7, 2022 regarding Newmax, LLC dba Intermax Networks' ("Intermax Networks") ability to meet its Connect America Fund Phase II ("CAF II") deployment commitment in SAC 529027 (Washington). This response outlines the steps Intermax Networks has taken in order to reach our 40% deployment milestone by December 31, 2022.

Intermax Networks currently has a deployment commitment of 823 locations in SAC 529027 as a result of its CAF II award.¹ In order to fulfill our initial deployment commitment, Intermax Networks has executed tower lease agreements for sites in Fairfield, Washington and Spangle, Washington.

The first lease agreement is with SBA 2012 TC Assets, LLC for its Rockford - Morefield Butte tower located at E. Bradshaw Road in Fairfield, Spokane County, Washington. We will install and attach four (4) Tarana Gigabit 1 (G1) wireless base node panels on the tower, along with a fiber backhaul to the tower. With this equipment, we are anticipating that we'll be able to reach 131 locations at speeds greater than 25/3 Mbps. All equipment has been ordered for this site and we are currently in the process of completing a mount analysis to submit for a building permit from Spokane County.

The second lease agreement is with American Towers, LLC for its Stutler tower located at 10022 E. Stutler Road, Spangle, Spokane County, Washington. We will install and attach three (3) Tarana Gigabit 1 (G1) wireless base node panels on the tower, along with a fiber backhaul to the tower. With this equipment, we are anticipating that we'll be able to reach 203 locations at speeds greater than 25/3 Mbps. All equipment has been ordered for this site and we are currently in the process of completing a structural analysis and mount analysis to submit for a building permit from Spokane County.

¹ Intermax has participated in the Eligible Location Adjustment Process (ELAP) and has sought a reduction in locations from 823 to 635. Until resolution of that request by the FCC, Intermax Networks is planning on a deployment commitment of 823 for its 40% obligation by December 31, 2022. Should our obligation be reduced by ELAP, we will exceed the 40% threshold by December 31, 2022.



We expect the Tarana equipment to be delivered by June 1, 2022. Both locations are anticipated to be online and completed by the end of August 2022. Once these two sites are completed, 334 locations will be served with speeds greater than 25/3 Mbps, thereby satisfying our initial deployment commitment. We understand the time constraints to fulfill our deployment commitment and are confident that we will reach our 40% milestone by December 31, 2022.

Please contact our office with additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "M.R. Kennedy".

Michael R. Kennedy
President & CEO

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Submit a Standard Filing

Proceeding(s): 10-90, 17-182
Confirmation #: 2022050398505796
Submitted: May 03, 2022 7:03:35 PM
Status: RECEIVED
Name(s) of Filer(s): Newmax, LLC dba Intermax Networks
Law Firm(s):
Attorney/Author Name(s): Michael R. Kennedy
Primary Contact Email:
Type of Filing: RESPONSE
File Number:
Report Number:
Bureau ID Number:
Address of Filer: 7400 Mineral Drive Suite 300, Coeur d'Alene, ID, 83815
Address:
Email Confirmation: No

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For assistance with using ECFS, please contact the ECFS Help Desk at 202-418-0193 or via email at ECFSHelp@fcc.gov.

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